

IN THE UNITED STATES OF AMERICA
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

UNITED STATES OF AMERICA)	CIVIL ACTION NO.: 8:08-2868-HFF
)	
Plaintiff,)	
)	
vs.)	
)	
\$34,880.00 IN UNITED STATES)	
CURRENCY,)	
Defendant.)	

ORDER OF FORFEITURE GRANTING
SUMMARY JUDGMENT TO THE UNITED STATES

This *in rem* forfeiture action was filed on August 15, 2008 concerning \$34,880.00 in United States currency (Defendant Currency) seized on or about March 26, 2008, by the Anderson County Sheriff's Office from a motor vehicle driven by Carlos Alberto David.

Publication of the action was made in "The State" newspaper on September 10, 17, and 24, 2008, in accord with 19 U.S.C. § 1607 and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental Rules"). Any person claiming an interest in the Defendant Currency was required to file a verified statement of the claimed interest within thirty days after final publication of newspaper notice or legal notice.

Teresa Higgins, a known potential claimant, was served with process in this action on August 26, 2008, but did not file a Claim or an Answer as required by Supplemental Rule G(5). Remaining known potential claimants Carlos Alberto David (David), Ralph Edward Smith, Jr. (Smith Jr.), and Ralph Edward Smith, Sr. (Smith Sr.), were served with process in this action on August 27, 2008, through their legal counsel Bradley M. Kirkland,

Esquire. David, Smith Jr., and Smith Sr. filed verified Claims to the Defendant Currency on September 29, 2008, and an Answer on November 20, 2008. Through their attorney, claimants David, Smith Jr., and Smith Sr. have consented to the dismissal of their Claims with prejudice, and for the granting of summary judgment in favor of the United States. No other Claims to the Defendant Currency have been filed.

NOW THEREFORE, it is

ORDERED, ADJUDGED AND DECREED, that:

1. The Claims to the Defendant Currency previously filed by Carlos Alberto David, Ralph Edward Smith, Jr., and Ralph Edward Smith, Sr., are dismissed with prejudice, and judgment is granted against them in this action, and in favor of the United States.

2. All unknown persons and entities claiming any right, title or interest in or to the Defendant Currency have failed to file claims to the Defendant Currency within the time limits required by law, and default judgment is entered against them.

3. Pursuant to Supplemental Rule G(7)(c) for Admiralty or Maritime Claims and Asset Forfeiture Actions, 21 U.S.C. § 881(e), the Defendant Currency, to wit, \$34,880.00, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$34,880.00 is hereby vested in the United States of America, and no other right, title or interest exists therein. All claims in or to said \$34,880.00 of the Defendant Currency are hereby forever foreclosed and barred.

5. The \$34,880.00 of the Defendant Currency forfeited herein shall be disposed of by the United States Marshals Service in accordance with law.

IT IS SO ORDERED:

s/Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

May 22, 2009

Spartanburg, South Carolina